

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 5:05CV202
(STAMP)

ROBERT V. GILKISON,
PEIRCE, RAIMOND & COULTER, P.C.,
a Pennsylvania professional corporation
a/k/a ROBERT PEIRCE & ASSOCIATES, P.C.,
a Pennsylvania professional corporation,
ROBERT PEIRCE, JR., LOUIS A. RAIMOND,
MARK T. COULTER, and RAY HARRON, M.D.,

Defendants.

**ORDER DENYING PLAINTIFF'S REQUEST FOR AN EXTENSION
OF PHASE I DISCOVERY, ESTABLISHING BRIEFING SCHEDULE
AND STAYING DISCOVERY**

On July 12, 2007, the parties appeared for a status and scheduling conference in the above-styled civil action. At the conference, counsel for Peirce, Raimond & Coulter, P.C. ("the Peirce Firm") requested a period of 45 days in which to file a motion to dismiss, motion to strike, or other appropriate motion pursuant to Federal Rules of Civil Procedure 12 or 15 in response to the recent filing of an amended complaint by CSX Transportation, Inc. ("CSX"). Because this Court believes that it would benefit from a briefing regarding the issues raised by the amended complaint, the following deadlines are ESTABLISHED:

1. The defendants shall file any motion to dismiss, motion to strike, or other appropriate motion pursuant to Federal Rules of Civil Procedure 12 or 15 regarding the amended complaint on or before **August 27, 2007.**

2. Any response to such dispositive motion or motions shall be filed on or before September 10, 2007.

3. Any reply shall be filed on or before September 19, 2007.

All discovery in this action shall be STAYED pending resolution of any and all any motions to dismiss, motions to strike, or other appropriate motions pursuant to Federal Rules of Civil Procedure 12 or 15. Further, CSX's request to extend the deadline for completion of Phase I discovery is DENIED. Phase I discovery has concluded. Following resolution of any and all motions contemplated above, this Court will enter a first order and notice regarding further discovery and scheduling and require the parties to hold a planning meeting and submit a meeting report and proposed supplemental discovery plan.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: July 13, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE